

IN THE 6<sup>th</sup> CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE  
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

2013 OCT 29 AM 9:04

STATE OF TENNESSEE, *ex rel.*  
ROBERT E. COOPER, JR.,  
Attorney General and Reporter,

Petitioner,

v.

GARY MATHEWS MOTORS, LLC, a  
Tennessee Limited Liability Corporation,  
doing business as GARY MATHEWS  
CHRYSER DODGE  
JEEP RAM OF NASHVILLE,

Respondent.

No. 13C4401

**PETITION**

The State of Tennessee, by and through Robert E. Cooper, Jr., the Attorney General and Reporter, (hereinafter "Attorney General"), at the request of the Acting Director of the Tennessee Division of Consumer Affairs of the Department of Commerce and Insurance, (hereinafter "Division") (collectively referred to as "Plaintiff", "State" or "State of Tennessee") files this Petition pursuant to Tenn. Code Ann. § 47-18-107 of the Tennessee Consumer Protection Act of 1977 (hereinafter "the Consumer Act"), and respectfully shows the Court as follows:

1. The Division and the Attorney General, acting pursuant to the Consumer Act, have investigated certain acts and practices of Gary Mathews Motors, LLC doing business as Gary Mathews Chrysler Dodge Jeep Ram of Nashville, (hereinafter, "Respondent"). Upon completion of such investigation, the Division has determined that certain of Respondent's acts

and practices, more specifically described in Paragraph 2 of this Petition, constitute violations of the Tennessee Consumer Protection Act of 1977, Tenn. Code Ann. § 47-18-101, *et seq.* (hereinafter “Consumer Act.”); §47-18-120; §47-18-124; § 47-18-104(a), (b), (b)(5), (b)(7), and (b)(27).

2. Based upon the investigation of Respondent, upon information and belief, the State of Tennessee alleges the following:

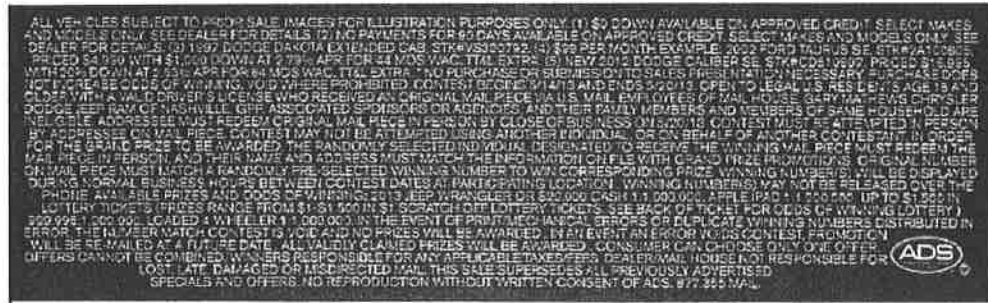
(A) Respondent is in the business of selling automobiles which are goods as defined by the Consumer Act.

(B) Respondent mailed an advertisement to consumers in Tennessee promoting a “Regional Clearance Event” (Exhibit B of the Assurance of Voluntary Compliance) held on May 14-20, 2013 at Gary Mathews Chrysler Dodge Jeep Ram of Nashville located at 5800 Crossings Blvd., Antioch, Tennessee 37013.

(C) Respondent’s said “Regional Clearance Event” advertisement contains representations that are deceptive to consumers under the Consumer Act including:

i. advertising special financing offers next to each other when the offers are exclusive of one another.

ii. advertising a specific monthly payment immediately adjacent to new automobiles when the offer applies to an older vehicle not pictured.



- i. failing to clearly and conspicuously disclose immediately adjacent to each prize a statement of the odds of winning the prize or offer.
- ii. failing to state in immediate proximity and in the same size and boldness the retail value of the prize and the statement of the odds of winning the prize.
- iii. failing to state the maximum number of persons in the group or purported group with the enhanced likelihood of receiving a prize in immediate proximity to each representation and in the same size and boldness of the type as the representation.

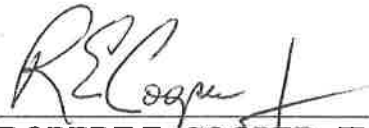


3. Respondent neither admits nor denies the allegations of Paragraph 2 (A-D).
4. Upon completion of its investigation, the Division requested that the Attorney General negotiate, and if possible accept, an Assurance of Voluntary Compliance in accordance with the provisions set forth in Tenn. Code Ann. § 47-18-107.
5. The Attorney General entered into negotiations with Respondent and the parties have agreed to, and the Division has approved, the Assurance of Voluntary Compliance filed contemporaneously herewith.
6. In accordance with the provisions of Tenn. Code Ann. § 47-18-107(c), the execution, delivery and filing of the Assurance do not constitute an admission of prior violation of the Act.
7. The Division, the Attorney General, and the Respondent have jointly agreed to the Assurance of Voluntary Compliance and Agreed Final Order and join in their filing.

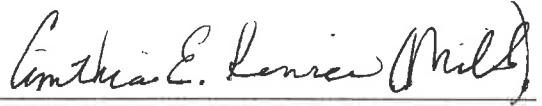
PREMISES CONSIDERED, the State of Tennessee prays that:

1. This Petition be filed without cost bond pursuant to the provisions of Tenn. Code Ann. §§ 20-13-101 and 47-18-116.
2. The Assurance of Voluntary Compliance be approved and filed in accordance with the provisions of the Tennessee Consumer Protection Act of 1977, Tenn. Code Ann. § 47-18-101 *et seq.*

RESPECTFULLY SUBMITTED,




**ROBERT E. COOPER, JR.**  
Attorney General and Reporter  
B.P.R. No. 010934



**CYNTHIA E. KINSER (MILLS)**  
Deputy Attorney General  
B.P.R. No. 13533

**JEFFREY L. HILL**  
Senior Counsel  
B.P.R. No. 16731

I hereby certify that this is a true copy  
of original instrument filed in my office  
this 29<sup>th</sup> day of Oct 2013

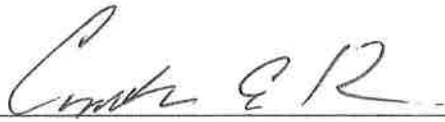
RICHARD R. HOOKER Clerk  
By   
Deputy Clerk

## CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Document Filing has been forwarded via certified mail, postage prepaid, to:

James W. Cameron, III  
Cameron Worley, P.C.  
Counsel for Respondent  
112 Westwood Place, Suite 240  
Brentwood, TN 37027

on this 29<sup>th</sup> day of October, 2013.

  
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CYNTHIA E. KINSER (MILLS)  
JEFFREY L. HILL